



Legislative Update

April 30, 1999

Vol. 9, No. 15

Legislature Adjourns After Passing Operating Budget; Special Session Set for May

On Sunday, April 25, the last day of the 1999 regular session, the legislature finished its business by passing the operating budget (SB 5180) and capital budget (SHB 1165) for fiscal years 1999-2001 and adjourned *sine die* (without setting a day to reconvene.) The Senate's proposed operating budget was adopted in both houses after two Republican House members announced they would break the logjam of the 49-49 tie and support the Senate budget. Other last minute actions included passage of the Children's Health Insurance Plan (SB 5416) that had died earlier in the session when it was not voted out of the House Health Care Committee.

Despite the last day's activity, debate over the individual insurance market had not come to any resolution, and the transportation budget remained incomplete. That evening, Governor Locke announced that he will call a special session in two weeks to finish those items and several other pieces of unfinished business as well. A number of items will be on the legislature's agenda for the special session, including the transportation budget, salmon restoration bills, and patient bill of rights legislation. The special session may also include further debate on the individual insurance market and school violence issues.

Most of the Department of Health's request legislation passed with the exception of nurse delegation (HB 1218), hospital public disclosure legislation (SB 5540) and the Center for Health Statistics fee increase (SB 5201). (See article in this edition.) Further work on those issues will take place during the interim as the Department develops its legislative agenda for next session (see article in this edition).

For the next biennium, the legislature appropriated a total of \$550,139,000 to the Department. This includes \$138,572,000 from the state general fund, as well as federal funds and funds from fees. This is a decrease of \$7,366,000 of state general fund from the Department's carry forward budget.

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Last Issue

Since the Legislature has ended its regular session, this will be the last weekly edition of *Legislative Update* until the next session begins in January 2000. We hope you found the newsletter informative and helpful in keeping track of the tremendous number of bills that were introduced this session on numerous issues.

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The majority of the \$7 million reduction is due to the following: 1) \$4 million reduction in the HIV/AIDS early intervention program proposed when federal moneys were increased; 2) approximately \$1 million in pension rate savings; and 3) \$2 million county mitigation dollars for King County MVET that were moved from the Department's budget to DCTED.

In addition, the budget makes the following changes to Department programs:

- ♦ Establishment of the Tobacco Control and Prevention Account with \$100 million. The Department was given \$829,000 to begin the planning process during the biennium for tobacco control and prevention activities. Specific activities will be outlined in a plan to the Legislature due in December 1999, with a complete plan due in September 2000. Expenditure of funds from the account will be discussed by the Legislature during the supplemental budget development next session.
- ♦ \$1 million additional state general fund dollars for the breast and cervical cancer screening program, targeted to women ages 40-49. This is in addition to the \$1 million which was included in the base budget.
- ♦ \$303,000 for the temporary worker housing program. This is funding for the Governor's strategy on farmworker housing and SB 5599 sponsored by Senator Prentice.
- ♦ \$1,356,000 for water conservation and reuse. Salmon policy issues will remain a topic for discussion during the special session and at the Governor's cabinet level.
- ♦ Local Capacity funds for local health jurisdictions have been reduced by \$710,000. There is reference to a one-time fund switch of \$1,056,000 from the Public Health Services Account to the County Public Health Account.
- ♦ The budget did not reduce the AIDSNET funding. The proviso for these moneys, which was found in the House budget, was not included in the final budget.
- ♦ Child Death Review funding of \$350,000 was included to bring the program up to \$1 million for the biennium. The requested fund switch of \$650,000 to state general fund rather than funding the program from the Forensic Investigation Account was done in the final budget.
- ♦ The WIC farmers market program remains funded.
- ♦ The MCH Neurodevelopmental centers proposed cut of \$204,000 was not taken.
- ♦ The final budget reduces the youth suicide program by \$507,000.
- ♦ The final budget eliminates funding for the water recreation program effective July 1, 2000. Discussions will be needed this interim on the impact of this change.
- ♦ The final budget directs the Department to work with the Poison Control Center to develop alternative funding sources for the center.
- ♦ Other cuts: Bone marrow program is eliminated (\$86,000); Maternal Child Health medical consultant eliminated (\$142,000); EMS community technical assistance and volunteer retired provider program reduced (\$306,000); and rural health program reductions (\$122,000). The budget removes \$134,000 from the TB lab testing program under the assumption that testing of specimens submitted by private physicians will be transferred to public and private specialty labs that will charge patients for the testing. §

Legislative Recap: Bills of Interest to the Department of Health

The 1999 legislative session ended on April 25. During its 105 day session, the Legislature passed a number of bills of interest to the Department of Health. The list includes both agency request legislation as well as bills the Department did not write or promote. Here's a brief look at some of what passed.

Agency Request Legislation: The Department had introduced ten items of agency request legislation. Most were introduced in both the House and the Senate (one was introduced only in the House and two only in the Senate). Of those ten items, seven have passed. The bills that passed are SHB 1163, regarding clean up of illegal

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Legislative Recap: Bills of Interest to the Department of Health

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drug labs; HB 1216, which makes permanent the secretary's authority over uniform rules for health professions; SHB 1371, which consolidates and updates the tuberculosis laws; HB 1372, which repeals the birth defects registry; HB 1734, regarding clarifying the jurisdiction of the Examining Board of Psychology; SB 5105, which amends the definition of "public water system" to conform to federal law; and ESB 5141, regarding the newborn screening fee.

Three items did not pass: SHB 1218, regarding nurse delegation; SB 5201, which increased fees for birth and death certificates; and HB 1711/SB 5540, which removes the exemption from public disclosure for hospital documents.

Other Legislation of Interest: A number of bills were passed that affect the Department or subjects that the Department regulates. In the area of health professions and facilities, SHB 1863 increases the compensation of the four quality assurance commissions; SHB 1864 creates a registration requirement for surgical technologists; and SB 5499 rewrites the licensing laws for home care

and hospice. The legislature passed ESSB 5599, which gives the Department and the Department of Labor and Industries joint rulemaking authority over temporary worker housing (the capital budget sets aside \$8 million for construction of housing for farmworkers.)

Bills that do not survive cut off dates sometimes reappear. That happened with two bills of interest to the Department. The Children's Health Insurance Plan, SB 5416, was not voted out of the House Health Care Committee. It was revived and passed on the last day of the session, authorizing Washington state to obtain millions of dollars in federal funding for children's health care. SSB 5793, regarding AIDS confidentiality, gave the Department a role in monitoring and improving the confidentiality of HIV/AIDS and sexually transmitted disease reporting information. The bill died in the Senate but was amended onto HB 1080, which passed and is being delivered to the Governor.

For the outcome on other bills that we have followed, see this week's *Bill Watch*, which is a final listing of the bills that have passed and been sent to the Governor for action. §

With 1999 Session Ended, Department Begins Planning Its Interim Activities

As the Department of Health winds up its bill analysis, bill tracking, and other session related activity, we're beginning to plan our activities related to implementing and developing new legislation before the next session in January 2000. One area of activity is analyzing recently passed bills and creating plans for implementing new duties and programs. That work includes identifying any reports or new rules required and setting up work programs to complete those tasks.

Each session raises new issues and leaves old ones unresolved. The Department will be studying particular issues and participating in interim studies conducted by House and Senate committees. This year some likely areas of study include funding the Center for Health Statistics, nurse delegation, health care licensee background checks, hearing screening for newborn infants, and medical marijuana. Additional areas for study and policy development will invariably arise. The Department will also

conduct several sunrise reviews, including licensing of radiological technologists and recreational therapists, and maternity services.

Finally, the process for developing new agency request legislation begins in May. The process starts with the submission of ideas and "problem statements" and proceeds through the summer. Requests for approval of agency legislation will be submitted to the Office of Financial Management (OFM) in early September. The tentative schedule is as follows:

May — Debriefing and analyzing results of 1999 session; begin problem identification and initial stakeholder work.

June — Present legislative concepts to Assistant Secretaries' Group (ASG) for evaluation and approval for further development.

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With 1999 Session Ended, Department Begins Planning Its Interim Activities

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June - August — Prepare legislative packages, including issue analysis, stakeholder contacts, fiscal analysis and legal review and proposed bill draft. Final packages forwarded to Legislative office, for final approval by ASG.

September — Proposed legislation and supporting information submitted to OFM for approval. §

LEGISLATIVE INTERNETLINKS

Legislative information can be accessed via the internet. The following are a few links that may be of interest:

Legislative Update Newsletter

http://www.doh.wa.gov/publicat/99_legup/99_legup.htm

Legislative Information

<http://www.leg.wa.gov>

Gopher - gopher.leg.wa.gov

FTP - ftp.leg.wa.gov

Email - ftpmail@leg.wa.gov

Washington State House of Representatives

<http://www.leg.wa.gov/www/house/members/housepg.htm>

Washington State Senate

<http://www.leg.wa.gov/www/senate.htm>

Washington State Governor's Home Page

<http://www.wa.gov/governor>

TVW indicates that TVW tentatively plans to televise either LIVE or on a tape delayed basis. For additional information on TVW scheduling or availability, please call TVW at (360) 586-5555, or visit the TVW web site at: www.tvw.org

Bill Watch

April 30, 1999

Jennifer Bush

Bill watch this week includes only those bills that have made it through both houses and are awaiting action by the Governor.

Data and Confidentiality

HB 1372: Birth Defects Surveillance

Repeals the Handicapped Children's Registry statute. **Chapter 38, Laws of 1999.**

E HB 2015: Year 2000 Date Change Liability

Provides that the state is severally, not jointly, liable for damages arising from the year 2000 problem. Immunizes the state from the first \$100 of liability per claimant arising from the year 2000 problem. **Delivered to Governor.**

Disease Prevention and Control

HB 1080 a: Infectious Disease Testing

Provides infectious disease testing at no cost to uninsured good Samaritans for infectious diseases after rendering emergency assistance that has brought them into contact with a bodily fluid. DOH must report to the State Board of Health unauthorized disclosures of confidential information obtained through disease reporting. The report must include recommendations for prevention and improvement of the privacy systems in place. DOH must assist health care providers and others to understand the rules on confidentiality. Monetary penalties for violations of confidentiality are increased to \$10,000 for intentional or reckless violations. It is a misdemeanor for a local board of health member to violate the confidentiality provisions. **Delivered to Governor.**

SHB 1371 a: Tuberculosis Control

Revises provisions relating to reporting, treatment, and payment for treatment of tuberculosis. Repeals obsolete sections of tuberculosis statutes. **Delivered to Governor.**

Environmental Health

SB 5125 a: Pesticide Registration Commission

Appropriations made to Washington State University may now expressly be used for evaluations, studies, or investigations approved by the Commission for such Integrated Pest Management (IPM) and pesticide resistance management programs. An official action may now be taken by the Commission by a majority vote of its quorum, rather than a majority vote of the voting members. This bill is a part of the Washington State University's Safe Food Initiative. **Delivered to Governor.**

SHB 1163 a: Illegal Drug Manufacture

Finds that the contamination of properties used for illegal drug manufacturing poses a threat to public health. The toxic chemicals left behind by the illegal drug manufacturing must be cleaned up to prevent harm to subsequent occupants of the properties. Local health officers may determine when a certified contractor must be used to decontaminate property that has been contaminated hazardous chemicals associated with the manufacture of illegal drugs. **Delivered to Governor.**

HB 1164/SB 5105: Public Water System Definition

Revises the definition of public water system to include systems providing water through constructed conveyances in conformance with federal law. **Chapter 118, Laws of 1999.**

HB 1310: PUD Authority

Revises provisions relating to the authority...public utility district to furnish water to persons outside of the district and the county where the district is located and to establish local utility districts for water or sewer facilities outside of a district and the county where it is located. **Delivered to the Governor.**

HB 1432 a: Dairy Commission

Authorizes the Dairy Commission to participate in federal and state regulatory activities and expend funds when such activities affect the production, manufacture, distribution, sale, or use of dairy products, and educate the dairy industry on such matters. **Delivered to Governor.**

HB 1642 a: Surface Water Permits & Rights

Allows water permit holders to change the point of water diversion for an undeveloped portion of an existing water right permit from an existing authorized diversion point, downstream to an existing intake structure if there is no change in ownership of the permit, the season of diversion, or the original purpose and place of use of the water. Diversion intake structures must be an approved intake structure. **Delivered to Governor.**

E SHB 2095: Commercial Fertilizer

Revises provisions relating to registration fees, stop sale and use, seizure, and disposal of commercial fertilizer. **Delivered to the Governor.**

E SSB 5803 a: Dairy Nutrient Management

Directs the Department of Ecology to publish a guide to all registered dairy farms in the state regarding dairy nutrient management. Creates a Dairy Nutrient Management Task Force, staffed by the Department of Ecology, to make recommendations on dairy nutrient management. **Delivered to Governor.**

2SSB 5821 a: On-Site Wastewater Treatment

Establishes a state-wide licensing program for persons who design on-site wastewater treatment systems. Requires the Board of Registration for Professional Engineers and Land Surveyors to suspend the license or practice permit of a wastewater treatment system designer who is at least six months delinquent on child support payments. **Delivered to Governor.**

E SSB 5866 a: Fertilizer Registration

Eliminates component registration of fertilizer products. **Delivered to Governor.**

Families and Children

2SHB 1546: In-Home Care Services

Revises provisions related to long-term care of adults. **Delivered to the Governor.**

SHB 1620: Vulnerable Adult Protection

Provides DSHS and law enforcement agencies with the authority to investigate complaints of abandonment, abuse, financial exploitation, or neglect of vulnerable adults. Provides protective services and legal remedies to protect them. **Delivered to the Governor.**

E SB 5141: Newborn Screening Service Fee

Allows DOH to collect an additional fee for supplying services under the state's infant screening program. **Chapter 76, Laws of 1999.**

SB 5416: Children's Health Insurance Programs

Declares an intent of the legislative to create the children's health insurance program, the benefits of which are not an entitlement to provide health care to children who are eligible for health care coverage under Title XXI of the federal social security act. Directs the department to make every effort to obtain a change in federal law such that the state of Washington is authorized to use its children's health insurance program allotment to provide health care

coverage for children whose family income at the time of enrollment is less than two hundred percent of the federal poverty level. By December 1, 1999, the department shall report to the legislature describing its efforts and the congressional response. **Delivered to the Governor.**

2SSB 5766: Long-Term Care Ombudsman

Requires the Long-Term Care Ombudsman Program to increase the number of trained volunteer long-term care ombudsmen available to residents living in these settings. Provides that a local or a state long-term care ombudsman, including a trained volunteer long-term care ombudsman, shall have the duties and authority set forth in the Federal Older Americans Act for local or state ombudsmen. Appropriates funds from the general fund to the Department of Community, Trade, and Economic Development for distribution state-wide to the regional offices of the Long-Term Care Ombudsman Program. **Delivered to the Governor.**

SB 5772: Domestic Violence Victims Records

Strengthens the confidentiality of records for victims of domestic violence or sexual assault. **Chapter 53, Laws of 1999.**

SSB 5828: Gift of Life Award

The Washington Gift of Life award to recognize the special kindness of those who donate their organs is created. **Delivered to Governor.**

SSB 5864 a: Long-Term Care Residents

Allows a health maintenance organization to return an individual to his or her nursing care facility. **Delivered to Governor.**

E SSB 6020: Social Security Numbers

Delays implementation of the requirement to record social security numbers on license applications to assist in child support enforcement. **Delivered to the Governor.**

Fiscal

SHB 1165: Capital Budget

Makes appropriations and authorizes expenditures for capital improvements. **Delivered to Governor.**

HB 1186/SB 5180: Operating Budget

Makes appropriations and authorizes expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1999 and ending June 30, 2001. **Delivered to Governor.**

Injury Prevention

SHB 1181: Domestic Violence Perpetrator

Requires if a domestic violence perpetrator or the victim has a minor child, treatment must specifically include education regarding the effects of domestic violence on children, such as the emotional impacts of domestic violence on children and the long-term consequences that exposure to incidents of domestic violence may have on children, and parenting skills to help the perpetrator control the events or behavior that lead to incidents of domestic violence. The court may, as part of any term of community supervision, order the offender to participate in an approved domestic violence perpetrator program. **Delivered to the Governor.**

HB 1757: Inmate DNA Testing

Requires that juveniles and adults who are convicted of violent or sexual offenses submit blood samples for DNA testing. Intends that all health care providers assist interested parents in obtaining blood samples for DNA testing for safekeeping by the parent. This will enable parents to better assist law enforcement in finding and identifying a child in the unfortunate event of a child's disappearance or abduction and in identifying children who may be victims in accidents or natural disasters. **Delivered to Governor.**

SSB 5573: Criminal History Records

Declares criminal justice agencies may furnish certain criminal records to other agencies. This provision of information is not considered a dissemination of criminal records. **Chapter 49, Laws of 1999.**

Professional/Facilities Licensing

SHB 1113: Occupational Therapy

Declares that no person may practice or represent himself or herself as an occupational therapy practitioner without first having a valid license to do so. Declares that treatment by an occupational therapy practitioner of such a medical case may take place only upon the referral of a physician, osteopathic physician, podiatric physician and surgeon, naturopath, chiropractor, physician assistant, psychologist, or advanced registered nurse practitioner licensed to practice in this state. **Delivered to Governor.**

SHB 1251: Boards, Commissions, and Programs

Allows the Secretary of Health to designate health care assistants and other health care providers to serve on ad hoc committees appointed by the Secretary to study specified topics. Removes the specific authority of the Secretary to appoint dietitians and nutritionists to serve on such committees. Eliminates the Health Professions Advisory Committee. **Delivered to the Governor.**

HB 1699 a: Dentist Continuing Education

Directs the Dental Quality Commission to establish continuing education requirements for dentists. Requirements for completion of continuing education go into effect for license renewals and new licensures after July 1, 2001. **Delivered to Governor.**

SHB 1838 a: Impaired Dentist Account

Requires DOH to collect a small surcharge on dental professional licenses to establish the Impaired Dentist Account for the voluntary treatment and rehabilitation of impaired dentists. **Delivered to Governor.**

HB 1863 a: Part-Time Health Commissions

A class five group of commissions is created to compensate part-time commissions that have rulemaking authority, perform quasi-judicial functions, determine policy direction for health profession credentialing programs, and perform regulatory and licensing functions for health care professionals. Each member of a class five group may receive up to \$250 for every day spent at an official meeting of the group or performing statutorily prescribed duties. **Delivered to Governor.**

HB 1864: Surgical Technologists

Authorizes the registration of surgical technologists. **Delivered to Governor.**

SB 5114: Hospital Annual Inspections

Provides an exemption from annual inspections for hospitals accredited by the American Osteopathic Association similar to that offered to hospitals accredited by the Joint Committee on Accreditation of Health Organizations. **Chapter 41, Laws of 1999.**

SB 5262: Sleep Monitoring

Declares the scope of practice for respiratory care practitioners does not prohibit any person from performing sleep monitoring tasks under the supervision or direction of a licensed health care provider. **Chapter 84, Laws of 1999.**

SSB 5312: Health Care Workplace Violations

Requires that by July 1, 2000, each health care setting shall develop and implement a plan to reasonably prevent and protect employees from violence. Requires that by July 1, 2001, and on a regular basis thereafter, each health care setting shall provide violence prevention training to all its employees. **Delivered to Governor.**

E SSB 5599: Temporary Worker Housing Requires

DOH to adopt joint rules for the licensing, operation, inspection, and enforcement of temporary worker housing. These rules must establish worker protection standards that are as effective but do not exceed the standards developed under WISHA. Decisions whether to extend a licensee's permit must be coordinated at the state and local level. **Delivered to Governor.**

SB 5648: Lodging Businesses

Provides consistency in definitions regarding businesses furnishing lodging; defines a hotel as a facility that furnishes three or more rooms for guest accommodation. **Chapter 95, Laws of 1999.**

SSB 5669: Conversion Vending/Medical Units

Requires specific rules for the occupants of conversion vending units and medical units to protect the occupants from fire and other dangers. **Chapter 22, Laws of 1999.**

SB 5702: Physician's Assistants

Revises physician assistant licensing and practice requirements. **Chapter 127, Laws of 1999.**

State Government

SB 5915 a: State Agency Reports

Various statutes are amended or repealed to eliminate reports to the Legislature that are no longer wanted or considered necessary. **Delivered to Governor.**

Tobacco

HJM 4003: Tobacco Settlement

Requests amending the federal Medicaid statute to prohibit federal recoupment of state tobacco settlement recoveries. **Filed with Secretary of State.**

E SB 5897 a: Export Cigarette Sales

Requires that purchasers of cigarettes be informed of adverse health consequences and whether the cigarettes were manufactured for consumption within the United States. **Delivered to Governor. §**

EDITORIAL STAFF

Patty Hayes, Legislative Director
(360) 236-4048
email: plh0303@doh.wa.gov
Brian Peyton, Editor
Jennifer Bush, Contributor

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